

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

In Re ENTRESTO (SACUBITRIL/VALSARTAN)

NOVARTIS PHARMACEUTICALS CORPORATION,
Plaintiff-Appellant

v.

**MSN PHARMACEUTICALS, INC., MSN
LABORATORIES PRIVATE LTD., MSN LIFE
SCIENCES PRIVATE LTD.,**
Defendants-Appellees

2025-1927, 2025-1928

Appeals from the United States District Court for the District of Delaware in Nos. 1:20-md-02930-RGA and 1:22-cv-01395-RGA, Judge Richard G. Andrews.

ON MOTION

Before LOURIE, PROST, and TARANTO, *Circuit Judges*.
PER CURIAM.

O R D E R

NOVARTIS PHARMACEUTICALS CORPORATION v. MSN
PHARMACEUTICALS, INC.

Novartis Pharmaceuticals Corporation (“Novartis”) moves to enjoin, pending appeal, MSN Pharmaceuticals, Inc., MSN Laboratories Private Ltd., and MSN Life Sciences Private Ltd. (collectively, “MSN”) from commercial marketing and sale of their generic version of Novartis’s Entresto® product. The court previously entered a temporary injunction pending resolution of the motion.

Rule 8(a)(2) of the Federal Rules of Appellate Procedure authorizes this court to issue an injunction pending appeal. Our determination is governed by four factors: (1) whether the movant has made a strong showing of a likelihood of success on the merits; (2) whether the movant will be irreparably injured absent an injunction; (3) whether issuance of the injunction will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies. *Ohio v. Env’t Prot. Agency*, 603 U.S. 279, 291 (2024) (citing *Nken v. Holder*, 556 U.S. 418, 434 (2009)); see also *Standard Havens Prods., Inc. v. Gencor Indus., Inc.*, 897 F.2d 511, 512–13 (Fed. Cir. 1990).

Based on the papers submitted, and without prejudicing the ultimate disposition of this case by a merits panel, we conclude that Novartis has not demonstrated entitlement to an injunction pending appeal.

Accordingly,

NOVARTIS PHARMACEUTICALS CORPORATION v. MSN
PHARMACEUTICALS, INC.

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IT IS ORDERED THAT:

- (1) The motion is denied, and the temporary injunction (ECF No. 13) is lifted.
- (2) The Clerk of Court shall transmit a copy of this order to the merits panel assigned to these appeals.

FOR THE COURT



July 22, 2025
Date

Jarrett B. Perlow
Clerk of Court